LIBRARY ARCHIVES Kerala Legislative Assembly

COCHIN LEGISLATIVE COUNCIL PROCEEDINGS

OFFICIAL REPORT OF THE LEGISLATIVE SESSION, 1118

Monday, *the* *23rd November 1942* / *8th Vrischigam 1118*

The Council met in the Council Hall, Ernakulam, at eleven of the clock with the Hon'ble the President (A. F. W. DIXON ESQ., C.I.E., I.C.S.) in the Chair.

Messrs. L. M. Pylee, Ismail Hajee Essa Sait, N. Govinda Pai and Popatlal Goverdhan Lalan were absent.

Swearing in

Mr. Parambi Lonappan (Diwan Peishkar) was sworn in.

Point of order

Mr. T. A. Ramachandra Ayyar *(Nellayi):* Sir, I rise to a point of order.

Mr. President: In connection with questions and answers?

Mr. T. A. Ramachandra Ayyar *(Nellayi):* We should not even begin questions and answers. According to me, the Council is not properly constituted. Section 13 of the Government of Cochin Act says "The Legislative Council shall consist of the Diwan and fifty-eight members, of whom thirty-eight members shall be representatives elected, and the rest nominated by His Highness, in accordance with the rules made in that behalf". Now there are not 58 members. Eight members have resigned their seats. So I submit the Council is not properly constituted.

Mr. M. Sivarama Menon *(Advocate-General):* The point of order raised by the Hon'ble Member has no force because notwithstanding the resignation or the absence of any member of the Legislative Council any proceedings of the Council during the interregnum between the bye-elections and the dates of the resignations will be valid. If the objection is to prevail no meeting of the Council can go on without there being 58 members. There is no force in the point of order in view of section 20 (2) of the Act which validates the proceedings of this House notwithstanding vacancies in the membership.

Mr. T. A. Ramachandra Ayyar *(Nellayi):* If at the time of the summoning of the Council there were 58 members what the Hon'ble Member said is correct. When the Government summoned the Council they knew that eight seats were vacant. If after summoning, any member resigns, by all means we can have a meeting.

Mr. M. Sivarama Menon *(Advocate-General):* The former part of section 20 (2) applies.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, there is no point at all in this point of order. If the hon'ble member's position is accepted we can never have a council.

Mr. President: I rule that the Council is properly constituted and I rule out the point of order.

QUESTIONS AND ANSWERS

BYE-ELECTIONS—HOLDING OF

1. **Mr. V. N. Damodaran Nambiar** *(Trippunittura):* Will Government be pleased to state whether it is their intention to hold bye-elections in those constituencies whose representatives to the Legislative Council have resigned their seats?

Rama Varmha Tampuran *(Secretary to Government):* Yes.

2. **Mr. T. A. Ramachandra Ayyar** *(Nellayi):* Will Government be pleased to state.—

(*a*) the names of the members of this House who have resigned their membership with the respective dates;

(*b*) the reasons for not taking steps for conducting bye-elections in the respective constituencies till now?